

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

CR 09-54 PJS/FLN

Plaintiff,

v.

O R D E R

Nicholas Rosas-Gutierrez,

Defendant.

---

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated September 23, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that Defendant's motion to suppress evidence obtained through illegal search [#13] is DENIED AS MOOT.

DATED: October 11, 2009.  
at St. Paul, Minnesota

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge